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10/719,475	11/21/2003	Nicholas S. Huslak	030339 (BLI.-0117)	3632
36192	7590	12/14/2007		
CANTOR COLBURN LLP - BELLSOUTH			EXAMINER	
55 GRIFFIN ROAD SOUTH			BLACK, LINH	
BLOOMFIELD, CT 06002				
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			2163	
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			12/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/719,475

**Applicant(s)**

HUSLAK ET AL.

**Examiner**

LINH BLACK

**Art Unit**

2163

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

Claims 1, 3-11, 13-23 are pending in the application. Claims 1, 11, and 21 are independent claims. Claims 2 and 12 are cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-11, and 13-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (US 6658415).

As per claim 1, Brown et al. (US 6658415) teach:

Applicants in the specification paragraph 0024 teaches "[0024] Recommendation guide database 116 stores external program recommendation guides gathered by host system 110 from external sources such as databases 120a-120n. In addition, recommendation guide database 116 may store program recommendation guides custom designed by the service provider. For example, host system 110 may evaluate

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available programming stored in database 114 and, using its own specified criteria, establish a list of preferred programs or a list of mature-themed programs to caution parents of young children or other programming material that the customer prefers to avoid. For example, the content may be organized by 'rating', such as G, PG, R, etc., and may be organized by genre or other types of classification indicia. Other classification indicia for use in creating a program recommendation guide include subject matter, genre, awards received, cast member, date of program, fiction/nonfiction status, host system preferences, and third-party source preferences."

gathering a list of available programming data from a server; storing said list of available programming data in a database - col. 7, lines 19-28 (products and services database, item 84 of fig. 3...For example, the products and services for a movie theater may include a listing of current movie titles, ratings, description, reviews, etc. Item 84 resides in the server system 80 of fig. 3. The listing of current movie titles are gathered and stored in the database 84).

gathering program recommendation guides from third parties and storing said program recommendation guides in a recommendation guide database, said program recommendation guides comprising lists of programming data recommended by the third parties – col. 4, line 45 to col. 5, line 10; col. 8, 1st paragraph; col. 15, last two paragraphs.

presenting a user interface to a said customer entity along with said program recommendation guides – fig. 4, items 144a-n; col. 7, line 47 to col. 8, line 15; col. 15, lines 45-54.

receiving from said customer entity at least one selection from said program recommendation guides and storing said at least one selection in a customer preference database – col. 2, lines 30-41; col. 1, line 64 to col. 2, line 15; col. 8, 1<sup>st</sup> paragraph.

receiving a request from said customer entity for an on-screen program listing:  
processing said request by comparing a list of recommended programming data of said at least one program recommendation guide selection with said list of available programming data and modifying an available on-screen program listing of said list of available programming data according to the list of recommended programming data of said at least one program recommendation guide selection - col. 8, 1<sup>st</sup> paragraph (a selection of movie listings that first meet the parental setting and then meet the child preference is transmitted to an output interface accessible to the child or to the child's computer system where an output interface is provided by the child's computer system for output of the selection of movie listings); col. 13, lines 35-55; col. 15, line 45 to col. 16, line 10 (...a record of radio listening is recorded in data storage structuring

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association with the authority-designated setting by parent B in data storage structure of radio access to classical or oldies radio stations only)

presenting a filtered on-screen program listing to said customer entity resulting from said processing – col. 7, lines 4-18.

As per claim 3, Brown et al. teach:

transmitting a program signal to said customer entity in response to a request to view a program listed on said filtered program listing; automatically signaling a personal recording device to record said program on behalf of said customer entity - col. 8, 1<sup>st</sup> paragraph; col. 10, lines 34-53; col. 15, line 45 to col. 16, line 5 (...a record of radio listening is recorded in data storage structuring association with the authority-designated setting by parent B in data storage structure of radio access to classical or oldies radio stations only).

As per claim 4, Brown et al. teach:

generating a custom program recommendation guide by said host system using said available programming data and storing said custom program recommendation guide in said database – col. 8, 1<sup>st</sup> paragraph; col. 15, lines 45-54.

As per claim 5, Brown et al. teach:

deleting programs appearing as unacceptable programs on the list of recommended programming data of said at least one program recommendation guide selection from said available on-screen program listing; retaining any programs appearing on said as acceptable programs on the list of recommended programming data of said at least one program recommendation guide selection on said available on-screen program listing; and handling programs not otherwise dealt with by said guides at least one program recommendation guide selection in accordance with instructions provided by said customer entity – col. 8, 1<sup>st</sup> paragraph; col. 15, line 45 to col. 16, line 5 (based on the parent-designated setting and child designated preference and search the movie theater products and services database for movies that are rated PG or less and are comedies. A selection of movie listings that first meet the parental setting and then meet the child preference is transmitted to an output interface accessible to the child or to the child's computer system ...for output of the selection of movie listings. Thus, programs that do not meet the criteria of parent-designated setting/rating recommendation are removed/filtered from the listing that would be presented to users; programs that meet child designated preference are retained in the list to be presented to the user; programs that a user/child does not choose to watch are also handled or removed from the filtered program listing that would be displayed to the user/child).

As per claim 6, Brown et al. teach:

wherein said third parties include external sources comprising at least one of: a film institute; a magazine; a religious organization; a topical web site; a video store; and a commercial business - col. 6, lines 3-19.

As per claim 7, Brown et al. teach:

wherein said customer entity comprises at least one of: a telephone; a mobile communications device; a television; a set top box; a personal recording device; and a personal computer – col. 1, lines 30-67; col. 3, lines 20-40.

As per claim 8, Brown et al. teach:

presenting a filtered on-screen program listing in accordance with an access level granted to an account member, said access level extending or limiting access to view program listings – col. 2, lines 25-41; col. 5, lines 4-10; col. 8, 1<sup>st</sup> paragraph.

As per claim 9, Brown et al. teach:

transmitting said program signal in accordance with an access level granted to an account member, said access level extending or limiting access to view a program - fig. 8a; col. 15, line 34 to col. 16, line 5.



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As per claim 10, Brown et al. teach:

signaling said personal recording device in accordance with an access level granted to an account member, said access level extending or limiting access to record a program or view an already recorded program - fig. 8a; col. 15, line 34 to col. 16, line 5.

Claims 11-23 claim the same subject matter as of claims 1, 3-10 and are rejected based on the same ground of rejection.

### ***Response to Arguments***

Applicant's arguments filed 9/4/07 have been fully considered but they are not persuasive.

Regarding Applicants' argument 1 on page 10 that "None of the reference disclose or suggest "gathering program recommendation guides from third parties...by the third parties" as recited in claims 1, 11, and 21. Examiner disagrees. Applicants in the specification paragraph 0024 teaches "[0024] Recommendation guide database 116 stores external program recommendation guides gathered by host system 110 from external sources such as databases 120a-120n. In addition, recommendation guide database 116 may store program recommendation guides custom designed by the service provider. For example, host system 110 may evaluate available programming stored in database 114 and, using its own specified criteria, establish a list of preferred programs or a list of mature-themed programs to caution parents of young children or

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other programming material that the customer prefers to avoid. For example, the content may be organized by 'rating', such as G, PG, R, etc., and may be organized by genre or other types of classification indicia. Other classification indicia for use in creating a program recommendation guide include subject matter, genre, awards received, cast member, date of program, fiction/nonfiction status, host system preferences, and third-party source preferences." Based on the teachings above, the content may be organized by rating: G, PG, etc...even as broad as categories/subject matter, genre, awards received etc...by the service provider.

Brown's teachings provide ratings to program listings in order for parents to designated access settings for their children (col. 5, 1<sup>st</sup> paragraph; col. 8, 1<sup>st</sup> paragraph), thus, ratings for programs or recommendation guides from third parties are already gathered and stored for usage. Based on Applicants' definitions in the specification, the limitation discussed is broad and Brown's teachings do teach limitations claimed by the Applicants.

The prior art of Levitt is no longer applied in this office action thus, arguments including "there is no suggestion or motivation...to combine" on pages 16-17 are moot.

Regarding Applicants' argument 2 on page 13 that "None of the reference disclose or suggest "presenting a user interface to said customer entity along with said program recommendation guides; receiving from said customer entity at least one selection from said program recommendation guides and storing said at least one

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selection in a customer preference database" as claimed in claims 1, 11, and 21".

Examiner disagrees. Fig. 4, items 144a-n, shows output interface for each UCID; col. 7, line 47 to col. 8, line 15 (a selection of movie listings that first meet the parental setting and then meet the child preference is transmitted to an output interface accessible to the child or to the child's computer system where an output interface is provided by the child computer system for output of the selection of movie listings"; col. 15, lines 45-54 (a data storage structure includes a listing of user-designated preferences for the particular child. For example, a child has designated a preferences for cartoons on television. Therefore, a television that receives authority-designated settings and user-designated settings for the child will first select television programs that are rated PG or lower and last an hour or less. Then the television will further filter that selection to highlight cartoons). As cited above, Brown does teach limitations above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

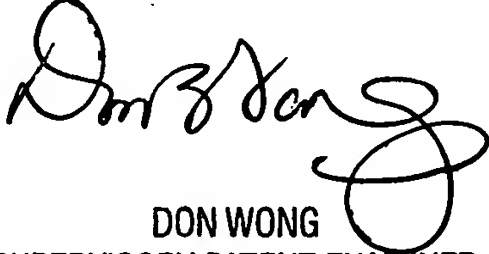
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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